Supreme Court, U.S.
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No. 85-766

In The

Supreme Court Of The United States

OCTOBER TERM, 1985

JULIA H. TASHJIAN,
Secretary of the State of Connecticut,
Appellant,

v.

REPUBLICAN PARTY OF THE STATE OF CONNECTICUT, LOWELL P. WEICKER, JR., STEWART B. McKINNEY, NANCY L. JOHNSON AND THOMAS J. D'AMORE, JR.,
Appellees.

ON APPEAL FROM THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

JOINT APPENDIX

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Jurisdictional Statement filed Nov. 4, 1985
Probable Jurisdiction noted Jan. 13, 1986

178 PP

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RELEVANT DOCKET ENTRIES

I. UNITED STATES DISTRICT COURT DISTRICT OF CONNECTICUT

1984

May 10	COMPLAINT filed.
May 10	Motion for Preliminary Injunction, fld.
May 10	Application for Order to Show Cause filed and end.: "Granted. See Order to Show Cause entered today." JAC
May 10	Sheriff's return showing service filed
May 16	Scheduling Order, JAC.

June 6	Joint Statement of Facts by pltfs and defs
June 6	Joint submission of Documents filed by pltfs and defs
June 13	Pltf's Motion for Summary Judgment filed
June 13	Statement of Material Facts as to which there are no Genuine issues to be tried filed
June 13	Consent to Consolidate Hearing on Application for PJR with Trial on the Merits filed by pltfs.

June 15 Motion to Dismiss Complaint filed by defs

June 27 Objection to defendant's Motion to Dismiss filed

June 27 Objection to Pltf's Motion Summary Judgment filed by def

July 6 RULING ON MOTION TO DISMISS AND MOTION FOR SUMMARY JUDGMENT. "The Motion to Dismiss must be treated as motion for summary judgment. Accordingly, the motion for Summary Judgment are hereby DENIED." JAC---copies mailed MICRO on 7-9-84

July 5 HEARING before JAC on Def's Motion to Dismiss-DEC. RES. and Ptlf's Motion for Summary Judgment-DEC. RES.

July 13 PLAINTIFF'S Responses to def's Interrogatories filed

July 25 DEPOSITIONS Peter Gold & Thomas D'Amore J **sealed**

July 26 LETTER to JAC from Atty Twardy dated 7-17-84 re: response to def request for production. "The Clerk shall place attached materials under seal away from the remainder of the court file

available for public review until further order of this court. SO ORDERED." JAC---cc mld.

July 26 PROTECTIVE ORDER, filed and entered, JAC---copies mailed (sealed dep of D'Amore, Gold, Harper)

July 24 SUPPLEMENTAL Joint Statement of Facts filed by Pltf and Def

July 26 PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT filed

July 26 STATEMENT of Material Facts as to which there are no Genuine

Issues to be Tried filed by Pltfs

August 16 OBJECTION to Motion for Summary Judgment filed by def

Dec. 5 RULING ON DEFENDANT'S MOTION TO DISMISS AND PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT. "Pltf's Motion for Summary Judgment is GRANTED, and Def's Motion to Dismiss is DENIED."
JAC---copies mailed M.12-5-84

Dec. 6 JUDGMENT filed and entered in favor of pltfs, ROWE, C.---copies mailed M. 12-6-84

Jan. 3	NOTICE OF APPEAL filed by def on final Judgment entered on 12-6-84 copies of Notice of Appeal mailed to counsel of record, Civil Management plan & forms C & D handed to def's Atty. (Fee paid), Certified copies of Notice of Appeal and Docket Entries mailed to USCA and New Haven.
Jan. 16	EDITED COPY FOR PUBLICATION OF DECEMBER 5, 1984 RULING FILED. Cabranes, J.

II. UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

1985

March 4 Appellants brief received. (w/pfs)

March 4 Appellants joint appendix received. (w/pfs)

March 25 Record on appeal filed (original papers of district court)

March 25 Appellant brief filed w/ps*

March 25 Appellant joint-appendix filed w/ps*

April 3 Order granted movant Democratic Party for the State of Conn. motion for leave to file brief amicus curiae filed (Endorsed on motion filed 4/1/85)

April 3 Democratic Party for the State of Conn. amicus curiae brief filed w/ps

April 3 Order granted CONN. CIVIL LIBERTIES UNION leave to file brief Amicus Curiae filed (IRK) (endorsed on motion filed 4/2/85)

April 3	Movant CONN. CIVIL LIBERTIES UNION brief Amicus Curiae filed, pfs
April 11	Appellant Tashjian motion for expedited argument filed (w/pfs)
April 11	Order denied appellant Tashjian motion for expedited argument filed (endorsed on motion filed 4/11/85)
May 2	Appellant reply brief filed w/ps (by mail)
May 16	Case heard before Kaufman, Oakes, Cardamone, C.JJ.

August 8 Judgment affirmed by published signed opinion (IRK)

August 8 Concurring in separate opinion (JLO)

August 8 Judgment filed

August 29 Mandate Issued (opinion and judgment)

Sept. 20 Appellant JULIA H. TASHJIAN, SECRETARY OF THE STATE OF CONNECTICUT, notice of appeal to the Supreme Court of the U.S. filed.

Nov. 18 Notice of filing an appeal in Supreme Court filed (SC #85-766)

1986

Jan. 16 Certified copy of order by Supreme Court the statement of jurisdiction in this having been submitted and considered by the court, probable jurisdiction is noted. filed

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

REPUBLICAN PARTY OF THE STATE OF CONNECTICUT, LOWELL P. WEICKER, JR., STEWART B. MCKINNEY, NANCY L. JOHNSON and THOMAS J. D'AMORE, JR.,	:	
PLAINTIFFS,	:	CIVIL ACTION NO. 84-548
V.	:	
JULIA H. TASHJIAN, Secretary of the State of the State of Connecticut,	:	
DEFENDANT.	:	MAY 10, 1984

COMPLAINT

I. INTRODUCTION

This is an action to vindicate the First and Fourteenth Amendment right of freedom of association of the plaintiff political party and its members of select candidates for public office in accordance with duly established party rules.

The individual plaintiffs are enrolled members of the plaintiff REPUBLICAN PARTY OF THE STATE OF

CONNECTICUT ("REPUBLICAN PARTY"), including candidates for office in the State of Connecticut. The plaintiffs bring this action to enjoin the enforcement of a statute administered by the defendant JULIA H. TASHJIAN, Secretary of the State of the State of Connecticut, which prohibits the plaintiff REPUBLICAN PARTY from allowing, in accordance with the party's rules, unaffiliated voters to participate in primaries for the selection of the party's candidates for United States Senator, United States Representative, Governor and the gubernatorial underticket. The plaintiffs also seek a

declaratory judgment that the statute violates their First and Fourteenth Amendment right of association with others for the common advancement of political beliefs and ideas, to encourage voter participation in the electoral process and to promote bipartisan support of its candidates.

II. JURISDICTION

This action is brought pursuant to 42 U.S.C. §§1983 and 1988, the First and Fourteenth Amendments to the United States Constitution, and 28 U.S.C. §§2201-2202. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§1331, 1343(3) and 1343(4).

III. PARTIES

1. The plaintiff REPUBLICAN PARTY OF THE STATE OF CONNECTICUT ("REPUBLICAN PARTY") is a political party as defined and used in Title 9 of the Connecticut General Statutes, and is an association of individuals for the common advancement of political beliefs and ideas and for the election of its candidates to public office.

2. The plaintiff LOWELL P. WEICKER, JR. ("WEICKER") is a registered voter in the State of Connecticut and is enrolled as a member of the plaintiff REPUBLICAN PARTY. He is a United States Senator from the State of Connecticut.

3. The plaintiff STEWART B. MCKINNEY ("MCKINNEY") is a registered voter in the State of Connecticut and is enrolled as a member of the plaintiff REPUBLICAN PARTY. He is a United States Representative from the State of Connecticut and is an announced candidate for nomination by the Republican Party for re-election to the office of United States Representative in November, 1984.

4. The plaintiff NANCY L. JOHNSON ("JOHNSON") is a registered voter in the State of Connecticut and is enrolled as a member of the plaintiff REPUBLICAN PARTY. She is a United States Representative from the State of Connecticut and is an

announced candidate for nomination by the Republican Party for re-election to the office of United States Representative in November, 1984.

5. The plaintiff THOMAS J. D'AMORE, JR. ("D'AMORE") is a registered voter in the State of Connecticut and is enrolled as a member of the plaintiff REPUBLICAN PARTY. He is the Chairman of the Republican State Central Committee, the body designated by the Party rules to, inter alia, implement the rules of the plaintiff REPUBLICAN PARTY.

6. The defendant JULIA H. TASHJIAN ("SECRETARY OF THE STATE") is the Secretary of the State of the State of

Connecticut. Pursuant to Section 9-3 of the Connecticut General Statutes, she is the Commissioner of Elections of the State of Connecticut and, pursuant to statute, is charged with certain duties pertaining to elections and primaries in the State of Connecticut, including, inter alia, the administration and enforcement of Section 9-431 of the Connecticut General Statutes, which is the subject of this action.

IV. STATEMENT OF FACTS

7. On January 14, 1984, at a duly called, noticed and conducted state party convention, the plaintiff REPUBLICAN

PARTY approved an amendment (the "Rule") to its party rules to allow unaffiliated voters to associate, participate and join with enrolled Republicans in voting in Republican Party primaries for candidates for the offices of United States Senator, United States Representative, Governor and the gubernatorial underticket. Specifically, the Rule, entitled "Article IVa PRIMARIES", provides as follows:

> Any elector enrolled as a member of the Republican Party and any elector not enrolled as a member of a party shall be eligible to vote in primaries for nomination of candidates for the offices of United States Senator, United States Representative, Governor, Lieutenant Governor, Secretary of the State, Attorney General, Comptroller and Treasurer.

8. In accordance with Section 9-374 of the Connecticut General Statutes, a copy of the Rules approved and adopted by the plaintiff REPUBLICAN PARTY at the state convention, together with a copy of the complete party rules incorporating such Rule, was filed with the Office of the Secretary of the State of the State of Connecticut on January 23, 1984.

9. Pursuant to Section 9-374, said Rule became effective on March 23, 1984.

10. Section 9-431 of the Connecticut General Statutes provides, in relevant part, that:

> No person shall be permitted to vote at a primary of a party unless he is on the last-completed enrolment list of such party in the municipality or voting district, as the case may be . . . .

11. Section 9-431 of the Connecticut General Statutes, therefore, prohibits the plaintiff REPUBLICAN PARTY from implementing its Rule to allow unaffiliated voters to participate in primaries for the selection of the party's candidates for United States Senator, United States Representative, Governor and the gubernatorial underticket.

12. Section 9-431 of the Connecticut General Statutes prohibits the plaintiffs WEICKER, MCKINNEY, JOHNSON and D'AMORE and other members of the plaintiff REPUBLICAN PARTY from selecting candidates for public office and encouraging voter participation in the manner which they have chosen according to their Rule.

13. Pursuant to Section 9-423 of the Connecticut General Statutes, primaries for party nominations for the office of United States Representative are scheduled for September 11, 1984.

14. The plaintiffs MCKINNEY and JOHNSON are seeking re-election as United

States Representatives and, as such, are seeking the nomination of the plaintiff REPUBLICAN PARTY for said office.

15. Section 9-431 of the Connecticut General Statutes prohibits the plaintiffs MCKINNEY and JOHNSON from being nominated in the manner chosen by the members of the plaintiff REPUBLICAN PARTY, including the plaintiff WEICKER who is a registered voter in the Fourth Congressional District in which the plaintiff MCKINNEY is seeking the party nomination and the plaintiff D'AMORE who is a registered voter in the Sixth Congressional District in which the plaintiff JOHNSON is seeking the party's nomination.

16. The defendant has enforced the provisions of Section 9-431 of the Connecticut General Statutes in the past and will continue to do so, thereby preventing the plaintiff REPUBLICAN PARTY and the plaintiffs WEICKER, MCKINNEY, JOHNSON and D'AMORE and other members of the plaintiff REPUBLICAN PARTY from selecting candidates for public office and encouraging voter participation in the manner which they have chosen according to the Rule, preventing the plaintiffs MCKINNEY and JOHNSON from being nominated for the office of United States Representative in the manner chosen by the plaintiff REPUBLICAN PARTY

and preventing the plaintiff D'AMORE from fulfilling his legal responsibility and duty to implement the Rule.

17. Plaintiffs WEICKER, MCKINNEY, JOHNSON, D'AMORE and REPUBLICAN PARTY will suffer irreparable harm to their First and Fourteenth Amendment right to freedom of association for the common advancement of political beliefs and ideas if subjected to the provisions of Section 9-431 of the Connecticut General Statutes.

18. Plaintiffs have no adequate remedy at law to rectify the irreparable harm they will suffer if subjected to the provisions of Section 9-431 of the Connecticut General Statutes.

V. CLAIM FOR RELIEF

1.-18. Paragraphs 1 through 18 of the Complaint are hereby incorporated as paragraphs 1 through 18 of the Claim for Relief.

19. Section 9-431 of the Connecticut General Statutes, as administered and enforced by the defendant SECRETARY OF THE STATE, violates the plaintiffs' First and Fourteenth Amendment right of association for the common advancement of political beliefs and ideas in the following respects:

a. in that it prohibits the plaintiffs from selecting candidates for public office in the manner chosen by plaintiffs in their Rule;

b. in that it interferes with the plaintiffs' choice of determining the manner in which they will select candidates for public office;

c. in that it interferes with the plaintiffs' right to encourage voter participation in the political process to enlarge support for their political party at the general election;

d. in that it interferes with the plaintiffs' choice of the manner in which they will govern their political association;

e. in that it interferes with the plaintiffs' right of determining the manner which is calculated to be the best to strengthen their political party and advance its interests;

f. in that it interferes with the plaintiffs' right to organize their political party in the manner that will make it the

most efficient political organization;

g. in that it interferes with the plaintiffs' ultimate goal of winning elections;

h. in that it interferes with the plaintiffs' freedom to associate for the advancement of political beliefs and ideas.

VI. PRAYER FOR RELIEF

WHEREFORE, the plaintiffs pray the following relief:

1. that this Court assume jurisdiction of this action;

2. that the Court issue an order preliminarily enjoining enforcement of Section 9-431 of the Connecticut General Statutes insofar as it prohibits registered, unaffiliated voters from voting, together with enrolled Republicans, in primaries of the Republican Party of the State of Connecticut for the offices of United States Senator, United States Representative, Governor, Lieutenant Governor, Secretary of the State, Attorney General, Comptroller and Treasurer;

3. that the Court declare said statute unconstitutional and invalid

insofar as it prohibits registered, unaffiliated voters from voting, together with enrolled Republicans, in primaries of the Republican Party of the State of Connecticut for the offices of United States Senator, United States Representative, Governor, Lieutenant Governor, Secretary of the State, Attorney General, Comptroller and Treasurer;

4. that the Court permanently enjoin enforcement of said statute insofar as it prohibits the plaintiffs from implementing the Rule and the manner in which Republican party candidates are nominated;

5. that the Court award plaintiffs attorneys' fees and costs, pursuant to 42 U.S.C. §1988;

6. that the Court award such other relief as it deems appropriate.

THE PLAINTIFFS

BY /s/
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P.O. BOX 389
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BY /s/
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ONE AMERICAN ROW
HARTFORD, CT 06103
(203) 522-1216

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

Democratic State Central
Committee of Connectic
634 Asylum Avenue
Hartford, CT 06105

June 1, 1984

Honorable Jose A. Cabranes
United States District Judge
United States District Court
District of Connecticut
450 Main Street
Hartford, CT 06103

Dear Judge Cabranes:

The Democratic Party of the State of Connecticut does not believe it necessary to participate as amicus curiae in Republican Party of the State of Connecticut, et al, v. Julia Tashjian,

BEST AVAILABLE COPY

pending in the United States District Court for the District of Connecticut. We do not, however, waive any rights we may have to participate as amicus curiae should the case be appealed. We also ask that this letter of our position be placed in the record.

The Democratic Party of Connecticut respects the sovereign judgment made by the State of Connecticut that only enrolled party members be allowed to participate in party primaries. The Democratic Party of Connecticut maintains that a superseding party rule to the contrary would (1) severely threaten the

integrity of the electoral process; (2) gravely weaken the party system of the State and thus impede the goals of responsive and responsible government; (3) dispute the voting rights of party members at the expense of inclusion of unaffiliated voters who have explicitly and freely chosen not to participate in party affairs; and (4) almost certainly interfere with the associational rights and prerogatives of other parties not choosing to subscribe to such rules.

In addition, PA 84-18, HB 5105, signed by the Governor May 8, 1984, allows registration with a political party up to

the day before a primary, thus provising ample opportunity for voter participation.

The Party's basic position on the particular question before the Court is that the challenged statute is well within the legitimate scope of state regulation of primary elections.

Very truly yours,

/s/
JAMES M. FITZGERALD
Chairman, Democratic State
Central Committee of
Connecticut

CC: All Counsel of Record
All Invited Potential Amici

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

(Title omitted in printing)

June 5, 1984

JOINT SUBMISSION OF DOCUMENTS

The plaintiffs, through counsel, and the defendant, through counsel, hereby stipulate and agree to the genuineness of the attached documents.

The parties hereby reserve all objections which they may have as to the relevance, materiality or probative value of any document included herein.

The parties agree as to the genuineness of the following documents:

A. The Preamble to the Convention and Committee Rules of the Republican Party of the State of Connecticut;

B. August 17, 1983 letter by Attorney Stanley A. Twardy, Jr. on behalf of the plaintiff Connecticut Republican Party to the defendant Secretary of the State;

C. August 23, 1983 letter from the Office of the Secretary of the State in response to Mr. Twardy's letter;

D. The Official Call of the 1984 Connecticut Republican Party State Convention, dated October 6, 1983;

E. The Minutes of the January 14, 1984 Connecticut Republican Party State Convention ("the Convention");

F. Resolution Number 1 at the Convention (adopted as the Party Rule);

G. Resolution Number 5 at the Convention (also known as Alsop Resolution Number 2);*

H. Resolution Number 2 at the Convention;*

I. Resolution Number 4 at the Convention (also known as Alsop Resolution Number 1 -- erroneously referred to as a second Resolution Number 5 in the Convention Minutes);*

J. Resolution Number 7 at the Convention (also known as Dixon Resolution Number 1);*

K. Resolution Number 8 at the Convention (also known as Dixon Resolution Number 2);*

L. Resolution Number 9 at the Convention (also known as Poliner Resolution);*

M. Resolution Number 10 at the Convention;*

N. Resolution Number 11 at the Convention;*

O. Raised Committee Bill No. 5525 in the Connecticut General Assembly, February Session, 1984;

P. Testimony of Albert P. Lenge, Director/Elections Attorney Office of the Secretary of the

State, before the Committee on Governmental Administrations and Elections of the Connecticut General Assembly;

Q. House Amendment Schedule "B" in the Connecticut House to House Bill No. 5015, "An Act Concerning the Time Limit Enrollment of Unaffiliated Voters.";

R. House Amendment Schedule "F" to Connecticut House Bill No.5105;

S. Senate Amendment Schedule "A" in the Connecticut Senate to Substitute House Bill No. 5105, "An Act Concerning the Time Limit for Enrollment of Unaffiliated Voters."

* G through N omitted in printing

THE PLAINTIFFS

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UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

EXHIBIT A

PREAMBLE

Among the goals of the Republican Party of Connecticut are to seek out, designate, and secure the election of, qualified candidates for public office at the Federal, State and Local levels of government. The Republican Party believes in each individual's dignity, ability to solve his or her own problems with minimal governmental interference and support, sound fiscal policies which will provide opportunity for all of our citizens.

The Republican Party of Connecticut stands, as it always has, open to all interested persons and offers to them equal opportunities of participation without regard to race, color, creed, sex of national origin.

In its stance as a statewide political organization, dedicated to governmental improvement on all levels, the Republican Party of Connecticut encourages fullest voter participation in its activities and supports the broadest possible membership registration.

To achieve the goal of governmental improvement, the Republican Party of

Connecticut solicits the ideas, the interest and the participation of all segments -- our young people, our seniors, businessmen and labor. Only by this means can the Republican Party adequately reflect the interests of all the people and work in their behalf. And to this end, the Republican Party is dedicated.

The Republican Party of Connecticut is further pledged, in the interests of fullest voter participation, to conduct its business in public. All party meetings at all levels shall be conducted after sufficient advance notice and in

such public places as to invite citizen observation.

The Republican Party's rules of operation are designed and followed to afford all members equal opportunity to take part in party affairs, to run for public or party office, and to serve as delegates to party conventions on all levels -- local, district, state or national.

The Republican Party of Connecticut believes in a fully informed membership and a fully informed citizenry; for it is only when all people completely know and understand our goals that we will be able to achieve them.

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

EXHIBIT B

Silver Golub & Sandak
The Heritage Building
184 Atlantic Street
Stamford, CT 06904

August 17, 1983

The Honorable Julia Tashjian
Secretary of the State
of the State of Connecticut
30 Trinity Street
Hartford, CT 06106

Attention: Election Division

Dear Secretary:

On behalf of the Connecticut Republican State Central Committee, I am writing to request a formal opinion from your office on the following issue.

The Republican State Central Committee wishes to call a state party convention in December 1983, pursuant to Section 9-384 of the Connecticut General Statutes. The purpose of this convention is to review and revise party rules.

However, the time-table established in Sections 9-381 et. seq. of the Connecticut General Statutes for the selection of delegates to a state convention are predicated upon a mid-year convention held during an election year. See, e.g., Conn. Gen. Stat. §9-391 (party endorsed candidates must be chosen at least forty days before the date

established for primaries); §9-424 (date for primaries for delegates to convention is first Tuesday in May).

Therefore, the Republican State Central Committee intends to reconvene the delegates chosen for the convention held in July 1982, to serve as delegates to the December 1983 convention.

In light of the foregoing, please advise us whether the Connecticut Republican State Central Committee may hold a state convention in December 1983, by reconvening the same delegates chosen for the 1982 convention, without the necessity of endorsing new delegates

and/or holding primaries for the selection of new delegates.

Your attention to this request is greatly appreciated.

Very truly yours,

/s/
Stanley A. Twardy,Jr.

SATJR/bam

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

EXHIBIT C

Office of the Secretary
of the State
State of Connecticut
30 Trinity Street
Hartford, CT 06106

August 23, 1983

Stanley A. Twardy, Jr., Esq.
Silver, Golub & Sandak
Attorneys-at-Law
P.O. Box 389
Stamford, CT 06904

Dear Mr. Twardy:

This is in reply to your letter dated August 17 and received here August 19, 1983, in which you requested our opinion

as to "whether the Connecticut Republican State Central Committee may hold a state convention in December 1983, by reconvening the same delegates chosen for the 1982 convention, without the necessity of endorsing new delegates and/or holding primaries for the selection of new delegates." You stated that "The purpose of this convention is to review and revise party rules."

The following statutory provisions are relevant to your inquiry (emphases added):

Sec. 9-372(2): "'Convention' means a meeting of delegates of a political party held for the purpose of designating the candidate or candidates to be endorsed by

such party in a primary of such party for state or district office or for the purpose of transacting other business of such party."

Sec. 9-383: "The time and place of meeting of a state or district convention shall be fixed by the state central committee or other authority of the party holding such convention, in accordance with the rules of such party; provided each such convention held to endorse candidates for state or district office to be voted upon at a state election shall be convened not earlier than the sixty-first day and closed not later than the forty-third day preceding the day of the primary for such office."

Sec. 9-384 (in part): "Each convention shall originate by call of the chairman of the state central committee or other authority of the party holding such convention, in accordance with the rules of such party, which call shall be published, at least ninety days before such convention is to be held . . . ."

Sec. 9-393 (in part): "All . . . delegates to conventions shall be chosen as provided in sections 9-382 to 9-450, inclusive . . . ."

Sec. 9-391 (in part): "Each endorsement of a candidate to run in a primary . . . for the election of . . . delegates to conventions shall be made under the provisions of section 9-390 not earlier than the forty-second day nor later than the fortieth day preceding the day of such primary . . . ."

Sec. 9-405 (in part): "Candidacies of persons other than party-endorsed candidates . . . for election as . . . delegates to conventions shall be filed with the registrar, as provided in section 9-406, not later than four o'clock p.m. on the twenty-fifth day preceding the day of the primary of such party . . . for the election of . . . delegates to conventions . . . ."

Sec. 9-424: "The day for holding primaries for the purpose of electing delegates to state and district conventions shall be the first Tuesday in May."

It is clear that the delegate-selection system and schedule established by §§9-390, 9-391, 9-405, 9-424 and related

statutes is designed with reference to those conventions which must be held within the time period specified by §9-383: that is, conventions held to endorse candidates for state and district office in even-numbered years.

It is also clear that the proposed Republican convention described in your letter would not (and could not) be held for such purpose, but rather ". . . . for the purpose of transacting other business of such party," in the alternative language of §9-372(2). Therefore, the convention would not be restricted to the time period specifically provided for

endorsement conventions by §9-383, but may be held at a time ". . . . fixed by the state central committee or other authority of the party holding such convention, in accordance with the rules of such party" [9-383]--provided that the convention-call requirements of §9-384 are met.

It is equally clear, under §9-393, that all delegates to conventions must be selected pursuant to the primary law: that is, by local party endorsement, subject to primary petition and primary.

There is no specific statutory prohibition against the "reconvening" of

convention delegates who were so selected. There is also no specific statutory provision prescribing the method of amending the state rules of a political party.

Construing the applicable statutes together in this light, our opinion is as follows:

1. The next statutory delegate primaries will be held on May 1, 1984, following the delegate endorsement and petition periods which will be calculated based on that date. No statutory delegate-selection process can be implemented prior to that time.

2. Prior to such selection of delegates in 1984, and assuming compliance with statutory convention-call requirements and with any applicable party rules, the Republican party may recovene its state convention delegates who were chosen in 1982 in the manner provided in §§9-382 to 9-450, inclusive, provided such convention is held for the purpose of transacting business of the party other than the endorsement of candidates. Such business may include review and revision of party rules if that is appropriate under the existing rules of the party.

We hope that the foregoing will be of assistance to you, and that you will not hesitate to call upon this office whenever we may be of service.

Sincerely,

/s/
Albert P. Lenge
Director/Elections
Attorney

APL/mer

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

EXHIBIT D

LEGAL NOTICE: OFFICIAL CALL
FOR REPUBLICAN STATE CONVENTION

Pursuant to the provisions of Section 9-384 of the General Statutes of the State of Connecticut; Section 1 of Article III of the Convention and Committee Rules of the Republican Party of the State of Connecticut; and the Resolution adopted by the Republican State Central Committee on September 29, 1983;

NOTICE is hereby given that the Republican Party of the State of Connecticut will reconvene the delegates chosen to the 1982 Republican State Convention, or their duly selected alternates, to a Republican State Convention on January 14, 1984, at the Hartford Civic Center, Assembly Hall, Hartford, Connecticut, for the following purposes:

1. To take appropriate action on any proposed changes in the Convention and Committee Rules of the Republican Party of the State of Connecticut, including, but not limited to, proposed changes to allow unaffiliated voters to vote in Republican Party candidate selection primaries and to revise the procedure for the

selection of Republican candidates for office.

2. To take appropriate action on any proposed resolutions brought before this Convention.

3. To transact such other business as may properly come before the Convention.

Dated at Hartford, Connecticut this 6th day of October, 1983.

/s/
Thomas J. D'Amore, Jr.
Chairman

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

EXHIBIT E

On Saturday, January 14, 1984, State Chairman Thomas D'Amore called to order the 1984 Special Rules Convention of the Connecticut Republican State Party at 9:55 a.m.

Tom D'Amore introduced the Reverend A. Roger Williams, pastor of the Union Baptist Church in Hartford, to deliver the invocation.

Tom D'Amore then introduced Dominic Mazzoccoli to lead the Pledge of Allegiance.

Tom D'Amore welcomed the convention attendees and introduced National Committee members, the Congressional Delegation, former State Chairmen, Gold Key and Key Committee members and other guests.

Tom D'Amore introduced Francis Collins as the Temporary Chairman, who in turn announced the Temporary Officers. They were, Temporary Secretary, Betsee Osborn, Assistant Temporary Secretary, Margaret Albert, Temporary Clerk, Michael Koslowski, Assistant Temporary Clerk, Joan Rader, Parlimentarian, Attorney Ralph Elliott, Assistant Temporary Parlimentarians Stanley Twardy and Donald

Downes, Head Teller Carole Thiesfield, Tellers, Cathleen Cavanaugh, Kathleen Hickey, Donna Downes, Sargeant at Arms, John McGeever, Assistant Sargeant at Arms, Eugene Migliaro and Eugene Zaleta.

Temporary Chairman Collins recognized the Temporary Secretary for the purpose of reading the official call and to present the Temporary Roll, which she did.

Temporary Chairman Collins announced that the temporary roll of delegates and alternates, certified to this Convention by vote of the State Central Committee will be referred to the Committee on Credentials. Collins then designated

areas for the standing committees to meet and for them to be in recess until they have completed their business.

While the standing committees are in recess Temporary Chairman Collins announced that a number of distinguished members of the party would be making remarks concerning the business of the day. The following people spoke, National Committeeman John Alsop, National Committeewoman Mary Boatwright, Congresswoman Nancy Johnson, Congressman Stewart B. McKinney, Senator Lowell Weicker and Republican State Chairman Tom D'Amore.

By the time the speakers had finished, the standing committees were ready to report to the Convention.

Temporary Chairman Collins recognized the Honorable Maureen Baronian, Chairman of the Credentials Committee, who read the Credentials report. She announced that there were no changes and no challenges and moved that the convention adopt the permanent roll. The permanent roll was adopted by voice vote.

Temporary Chairman Collins recognized Larry Hurley, Chairman of the Permanent Organization Committee, for a report on the Permanent Organization and

the election of the Permanent Officers. Chairman Hurley asked it to be adopted to make the Temporary Officers, the Permanent Officers of the Convention. The Permanent Officers were adopted by voice vote.

Chairman Collins recognized the Honorable Lawrence Minichino, Chairman of the Rules Committee, for the purpose of presenting the Rules Governing the 1984 State Convention of the Republican Party of the State of Connecticut. Chairman Minichino read the rules and moved that they be adopted. The rules, as read, were adopted by a voice vote.

Chairman Collins then recognized the Honorable R. E. Van Norstrand, Chairman of the Resolutions Committee, for the purpose of reporting on any resolutions that have been presented to the Committee. Chairman Van Norstrand read Resolution #1, which amends the Party Rules to allow unaffiliated voters to join Republicans in voting in Party Primaries only for candidates for the office of United States Senator, United States Representative, Governor and the gubernatorial underticket. There were many speakers for and against the resolution. David Finley then moved the question and this was passed by a voice

vote. The vote was taken by a roll call vote of the towns in each Congressional District, starting with the Fifth Congressional District. The resolution, which had been reported out of committee favorably was passed with 531 yeas, 344 nays and 58 not voting. (copy of Resolution attached)

Chm. Van Norstrand then read Resolution #5, also referred to as Alsop-Resolution #2 which had been reported out of committee favorably and dealt with delegates to the National Convention. (Copy of Resolution attached) This resolution was defeated by a voice vote after several people spoke for and against it.

Chm Van Norstrand then read Resolution #13, which had been reported out of committee favorably. This resolution (copy attached) was presented not as a resolution but as a sense of the convention. The resolution stated that the Republican Party do what it can to have the party lever removed. This resolution passed the convention by a voice vote.

Chairman Van Norstrand presented Resolution #2 which had been reported unfavorably out of committee and this dealt with lowering the threshold vote from 20% to 15%. The convention voted to accept the committee's recommendation by

a standing vote, after much discussion from the floor. (Copy of resolution attached)

Chairman Van Norstrand read resolution #3 (copy attached) that dealt with unaffiliated voters being eligible to become delegates to State and Congressional Convention. This resolution had been reported unfavorably out of committee and the convention upheld the committee's recommendation.

Chairman Van Norstrand presented resolution #5 also referred to as Alsop-resolution #1, dealing with delegates to the National Convention. This resolution was reported out of

committee unfavorably and the convention unheld the committee's recommendation.

Chairman Van Norstrand presented resolution #7 also known as Dixon-resolution #1 which dealt with direct primaries. This resolution had been reported unfavorably out of committee and the convention voted to uphold the committee's recommendation.

Chairman Van Norstrand presented resolution #8 also known as Dixon-resolution #2, which dealt with candidates petitioning to be on a ballot. (copy attached) This resolution had been reported unfavorably out of committee and the convention voted to uphold the committee's recommendation.

Chairman Van Norstrand read resolution #9 permitting any registered Republican to participate in a primary for State Office with less than 5% of all registered Republicans. (copy attached) This resolution was reported unfavorably out of committee and the convention voted to uphold the committee's recommendation.

Chairman Van Norstrand read resolution #10 (copy attached) regarding amendments. This resolution was reported unfavorably out of committee and the convention voted to uphold the committee's recommendation.

Chairman Van Norstrand read resolution #11 (copy Attached) dealing

with an unaffiliated going on the party rolls for a period of 6 months from the date of the primary that they voted in. This resolution was reported unfavorably out of committee and the convention voted to uphold the committee's recommendation.

Chairman Van Norstrand read resolution #12 (copy attached) which stated that unaffiliat voters voting in a primary automatically go on the Republican rolls. The committee reported this resolution out unfavorably and the convention voted to uphold the committee's recommendation.

Chairman Van Norstrand reported that resolutions #6 and #14 were tabled in

committee and therefore were not reported.

All resolutions having been acted upon, State Chairman Tom D'Amore moved that the convention be adjourned. The convention was adjourned at 3:10 p.m.

Respectfully submitted

Betsee Osborn
Secretary

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

EXHIBIT F

RESOLUTION # 1

Reported Out Favorably by the
Resolutions Committee on
January 5, 1984

Record of Resolutions Committee Vote:

Yeas 20

Nays 7

Abstain 4

PROPOSED CHANGES TO CONVENTION AND

COMMITTEE RULES OF THE REPUBLICAN PARTY

OF THE STATE OF CONNECTICUT

STATEMENT OF PURPOSE

This Resolution amends the Party Rules to allow unaffiliated voters to join Republicans in voting in Party Primaries only for candidates for the office of United States Senator, United States Representative, Governor and the gubernatorial underticket.

The Resolution does not affect primaries for candidates for other offices. Thus, unaffiliated voters would not be eligible to vote in primaries for the state legislature, municipal offices, town committee memberships or delegates to party conventions.

(TEXT OF RESOLUTION)

BE IT HEREBY RESOLVED, that the Convention and Committee rules of the Republican Party of the State of Connecticut are hereby amended as follows:

1. Article IVa is added as a new section as follows:

Article IVa PRIMARIES

[NEW]Any elector enrolled as a member of the Republican Party and any elector not enrolled as a member of a party shall be eligible to vote in primaries for nomination of candidates for the offices

of United States Senator, United States Representative, Governor, Lieutenant Governor, Secretary of the State, Attorney General, Comptroller and Treasurer.

BE IT FURTHER RESOLVED, that the Connecticut Republican State Party Chairman and the Connecticut Republican State Central Committee are authorized and directed to take all steps necessary and proper to implement the rules changes adopted by this Convention including, among possible others, seeking changes to existing state statutes now inconsistent with these rules and participating in

such court proceedings as may be appropriate to secure or promote implementation of these rules.

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

EXHIBIT O

STATE OF CONNECTICUT

Raised Committee Bill No. 5525 Page 1 of 2

Referred to Committee on
Government Administration & Elections

LCO No. 1673

Introduced by (GAE)

General Assembly,

February Session, A.D., 1984

AN ACT PERMITTING UNAFFILIATED VOTERS TO VOTE IN CERTAIN PRIMARY ELECTIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 9-431 of the general statutes is repealed and the following is substituted in lieu thereof:

[No] EXCEPT WHERE PROVIDED OTHERWISE BY STATE PARTY RULES, NO person shall be permitted to vote at a primary of a party unless he is on the last-completed enrolment list of such party in the municipality or voting district, as the case may be, but any such person offering to vote and being challenged as to his identity or residence shall, before he votes, prove by the testimony, under oath, of at least one other elector qualified to vote in such primary or by such other evidence acceptable to the

moderator either of the following which are applicable: (1) His identity with the person on whose name he offers to vote or (2) his bona fide residence in the municipality or voting district, as the case may be, provided if any person who has moved from one voting district or ward to another voting district or ward within a municipality is entitled to vote in such primary under section 9-54, such person shall not be required to prove his bona fide residence in the voting district or ward from which he moved. The rules of each party in each municipality shall prescribe whether members of the town committee shall be

elected from the municipality at large, in which case any person on the last-completed enrolment list of such party in such municipality shall be eligible to vote in a primary for the election of such committee members, or whether such committee members shall be elected from political subdivisions of such municipality, in which case only persons on the last-completed enrolment list of such party in such a political subdivision shall be eligible to vote in a primary for the election of such committee members from such political subdivision; provided no town committee in any municipality shall be elected both at large and from political subdivisions.

STATEMENT OF PURPOSE: To allow unaffiliated voters to vote in certain primaries if the party conducting the primary so provides in its rules.

[Proposed deletions are enclosed in brackets. Proposed additions are all capitalized or underlined where appropriate, except that when the entire text of a bill or resolution or a section thereof is new, it is not capitalized or underlined.]

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

EXHIBIT P

REP. SCHMIDLE: Mr. Lenge, I just have one quick question. I realize that you are the Elections Commission -- your division did not address Bill 5525, but from a technical, mechanical view point -- stand point, is what that bill attempting to do mechanically and technically possible? Can the way the statutes are set up today in the State of Connecticut, can this bill be implemented?

MR. AL LENGE: Yes. From a technical point of view I would suggest if it had some additional language such as the Secretary shall promulgate regulations which will implement this section. But the idea of it to -- is workable. Including from an election administration point of view even having unaffiliated electors vote for some but not all offices on the primary ballot. That is workable from an election administration viewpoint provided we by regulations do

such things as provide for the registrars to produce a list of unaffiliated voters to be checked off at the polls, number one. Provide for -- that if someone so checked they can't vote in the other party's primary if the other party also decides to open it up to unaffiliated voters, number two.

Number three, that the clerks shall print two versions of the absentee ballot and direct those respective versions to

members of the party or unaffiliated electors as the case may be. And number three -- and lastly, that there be two machines set up with two different ballot strips depending upon who is entering the machine. If an unaffiliated electors would enter those machines that have only the offices that they're entitled to vote for of that party and the regular rank and file of the party could vote for the broader number of voters.

But I would suggest a technical language change providing for regul -- the Secretary to implement the provisions of that section by regulation or get into adding all of the technical detail, amending 955 and 1940. It could be workable that way too. Yes.

REP. SCHMIDLE: Thank you very much. I realize there are many, many options. I just wondered -- your opinion on the workability.

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

EXHIBIT Q

STATE OF CONNECTICUT

AMENDMENT

LCO No. 2773

General Assembly

February Session, A.D., 1984

Offered by REP. VAN NORSTRAND,141th District

REP. JAEKLE, 122nd District

To Subst. House Bill. No. 5105
File No. 110 Calendar No. 0108

Entitled "AN ACT CONCERNING THE TIME LIMIT FOR ENROLMENT OF UNAFFILIATED VOTERS."

Strike out everything after the enacting clause and insert the following in lieu thereof:

"Section 1. Section 9--31 of the general statutes is repealed and the following is substituted in lieu thereof:

[No] EXCEPT AS PROVIDED IN SECTION 2 OF THIS ACT, NO person shall be permitted to vote at a primary of a party unless he is on the last-completed enrolment list of such party in the municipality or voting district, as the case may be, but any such person offering to vote and being challenged as to his identity or residence shall, before he votes, prove by the testimony, under oath, of at least

one other elector qualified to vote in such primary or by such other evidence acceptable to the moderator either of the following which are applicable: (1) His identity with the person on whose name he offers to vote or (2) his bona fide residence in the municipality or voting district, as the case may be, provided if any person who has moved from one voting district or ward to another voting district or ward within a municipality is entitled to vote in such primary under section 9-54, such person shall not be required to prove his bona fide residence in the voting district or ward from which he moved. The rules of each party in

each municipality shall prescribe whether members of the town committee shall be elected from the municipality at large, in which case any person on the last-completed enrolment list of such party in such municipality shall be eligible to vote in a primary for the election of such committee members, or whether such committee members shall be elected from political subdivisions of such municipality, in which case only persons on the last-completed enrolment list of such party in such a political subdivision shall be eligible to vote in a primary for the election of such committee members from such political

subdivision: provided no town committee in any municipality shall be elected both at large and from political subdivisions.

Sec. 2. (NEW) Where state party rules so provide, an elector whose name does not appeal on any enrolment list shall be entitled to vote in a primary conducted by such party for nomination for election to the office of governor, lieutenant governor, secretary of the state, treasurer, comptroller, attorney general, senator or representative in Congress or state senator or state representative.

Sec. 3. This act shall take effect from its passage."

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

EXHIBIT R

STATE OF CONNECTICUT

AMENDMENT
LCO No. 2743

General Assembly

February Session, A.D., 1984

Offered by REP. VAN NORSTRAND,141th District

REP. JAEKLE, 122nd District

To Subst. House Bill. No. 5105
File No. 110 Calendar No. 0108

Entitled "AN ACT CONCERNING THE TIME LIMIT FOR ENROLMENT OF UNAFFILIATED VOTERS."

In line 241, strike out the period and the bracket

In line 243, insert a period after the work "primary" and insert an opening bracket after the period and before the comma

After line 250, insert sections 5 and 6 as follows and renumber the remaining section accordingly:

"Sec. 5. Section 9-431 of the general statutes is repealed and the following is substituted in lieu thereof:

[No] EXCEPT AS PROVIDED IN SECTION 6 OF THIS ACT, NO person shall be permitted to vote at a primary of a party unless he is on the last-completed enrolment list

of such party in the municipality or voting district, as the case may be, but any such person offering to vote and being challenged,as to his identity or residence shall, before he votes, prove by the testimony, under oath, of at least one other elector qualified to vote in such primary or by such other evidence acceptable to the moderator either of the following which are applicable: (1) His identity with the person on whose name he offers to vote or (2) his bona fide residence in the municipality or voting district, as the case may be, provided if any person who has moved from one voting district or ward to another voting

district or ward within a municipality is entitled to vote in such primary under section 9-54, such person shall not be required to prove his bona fide residence in the voting district or ward from which he moved. The rules of each party in each municipality shall prescribe whether members of the town committee shall be elected from the municipality at large, in which case any person on the last-completed enrolment list of such party in such municipality shall be eligible to vote in a primary for the election of such committee members, or whether such committee members shall be elected from political subdivisions of

such municipality, in which case only persons on the last-completed enrolment list of such party in such a political subdivision shall be eligible to vote in a primary for the election of such committee members from such political subdivision; provided no town committee in any municipality shall be elected both at large and from political subdivisions.

Sec. 6. (NEW) Where state party rules so provide, an elector whose name does not appeal on any enrolment list shall be entitled to vote in a primary conducted by such party for nomination for election to the office of governor, lieutenant governor, secretary of the

state, treasurer, comptroller, attorney general, senator or representative in Congress or state senator or state representative."

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

EXHIBIT S

STATE OF CONNECTICUT

AMENDMENT

LCO No. 2982

General Assembly

February Session, A.D., 1984

Offered by SEN. ROBERTSON, 34th District

To Subst. House Bill. No. 5105
File No. 641 Calendar No. 0419

Entitled "AN ACT CONCERNING THE TIME LIMIT FOR ENROLMENT OF UNAFFILIATED VOTERS."

Strike out everything after the enacting clause and insert the following in lieu thereof:

"Section 1. Section 9-431 of the general statutes is repealed and the following is substituted in lieu thereof:

[No] EXCEPT WHERE PROVIDED OTHERWISE BY STATE PARTY RULES, NO person shall be permitted to vote at a primary of a party unless he is on the last-completed enrolment list of such party in the municipality or voting district, as the case may be, but any such person offering to vote and being challenged as to his identity or residence shall, before he votes, prove by the testimony, under oath, of at least one other elector qualified to vote in such primary or by such other evidence acceptable to the

moderator either of the following which are applicable: (1) His identity with the person on whose name he offers to vote or (2) his bona fide residence in the municipality or voting district, as the case may be, provided if any person who has moved from one voting district or ward to another voting district or ward within a municipality is entitled to vote in such primary under section 9-54, such person shall not be required to prove his bona fide residence in the voting district or ward from which he moved. The rules of each party in each municipality shall prescribe whether members of the town committee shall be

elected from the municipality at large, in which case any person on the last-completed enrolment list of such party in such municipality shall be eligible to vote in a primary for the election of such committee members, or whether such committee members shall be elected from political subdivisions of such municipality, in which case only persons on the last-completed enrolment list of such party in such a political subdivision shall be eligible to vote in

a primary for the election of such committee members from such political subdivision; provided no town committee in any municipality shall be elected both at large and from political subdivisions.

Sec. 2. This act shall take effect from its passage."

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

UNIVERSITY OF ILLINOIS
at URBANA-CHAMPAIGN

College of Law
209 Law Building
504 East Pennsylvania Avenue
Champaign
217 333-0931
Illinois 61820

June 15, 1984

The Honorable Jose A. Cabranes
Judge, United States District Court
District of Connecticut
450 Main Street
Hartford, CT 06103

Re: Republican Party v. Tashjian
Civ. No. H 84-584

Dear Judge Cabranes:

I am honored to have been invited to participate as an amicus in the

above-captioned case. However, because I am not an institutional litigant and my personal resources are limited, I am simply unable to participate in the case as fully as I would like to.

I have read the papers sent to me by Deputy Attorney General Gerson pursuant to your court order of May 23d, 1984, and, as a Professor of Constitutional Law, I do not believe that the U.S. Constitution invalidates the state law at issue here. The state law has no extraterritorial application; it does not discriminate against any party nor does it discriminate on the basis of race,

religion, sex or poverty. I also find it quite relevant that the State has not placed any unduly high burdens on any person who wishes to become a registered party member and vote in the primary: I understand that State law allows any voter to register as a party member up until the day before a primary election.

The present state law does not restrain the Republican Party from selecting candidates with bipartisan support. See Plaintiffs' Memorandum of May 20, 1984, at 8. The qualified voters in the primary can vote for whomever they wish.

Moreover, new Rule: "Article IV a PRIMARIES" does not open up all Republican primaries; it only opens up primary elections for certain electoral offices. If a primary election for the office of U.S. Senator takes place at the same time as a Primary election for city mayor or State Senator, for example, then the burden on state election judges may well be heavy and the confusion on the voters great. And, if the Republican Party can, unilaterally, impose such burdens on state primaries, then the Democratic Party should also be able to impose its own rules contrary to state law.

The principle advocated by the plaintiff in this case seems to be that any state political party can invalidate all (or a portion) of any state law to which it objects. Even though a nonparty member could not force an open primary and invalidate the law, the political party could, if it chooses to do so. This principle does not find support in the case law.

I regret that I am unable to pursue these issues further, but I am honored to

have been invited to participate. I hope that I have been of some assistance.

Sincerely,

/s/
Ronald D. Rotunda
Professor of Law

RDR:blm

cc: Council of Record and
Invited Potential Amici

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

LETTER MAILED BY SENATOR WEICKER IN THE 1982 CAMPAIGN FOR THE REPUBLICAN NOMINATION FOR UNITED STATES SENATOR.

(Exhibit I for identification to Plaintiff Thomas V. D'Amore's deposition of July 17, 1984).

UNITED STATES SENATE
WASHINGTON, D. C.

Dear Friend

I NEED YOUR HELP.

For the past 12 years, I've tried to represent you with independence and integrity. In doing so, I've rejected the extremes of philosophy and partisanship.

Now comes judgment for me - for my detractors. They're betting on short memories and old politics. I'm betting on the humanity I've fought for.

Here's how you can help.

A member of my staff contacted you a few days ago with a very important question concerning the primary fight I face September 7th.

On that day, the Republican party primary for U.S. Senate will be held. To win that primary I need your help . . . I need your vote.

Only voters registered as Republicans can vote. You and other Independents can vote if you re-register as Republicans by August 24th. To do that I ask you to visit your registrar or Town Clerk, who will have you fill out a simple form that will make the transfer official.

This primary, by law, will decide whether or not my name appears on the ballot in November. It will be a tough fight which I must win. If you will help me now, I will be able to continue my fight for all of you. PLEASE RE-REGISTER TODAY.

Thank you.

Sincerely,

/s/
Lowell P. Weicker

P.S. Please contact Peter Gold on my staff with any questions.

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF CONNECTICUT

(Title omitted in printing)

JULY 17, 1984

REQUEST FOR ADMISSIONS PURSUANT TO RULE 36 FED. RULES OF CIV. PROC.

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, defendant requests that plaintiff Weicker admit or deny the truth of the following matters on or before July 20, 1984:

1. The statements contained in the attached news report from the Hartford courant, January 18, 1982 which are marked by enclosures were made by Senator Weicker.

2. These statements were made in January, 1982.

Defendant further requests, pursuant to Rule 36, that plaintiff McKinney admit or deny the truth of all following matters of fact on or before July 20, 1984:

3. The statement contained in the attached press column under byline of Alan E. Schoenhaus in the Bridgeport Post on or about October 2, 1983, were made by plaintiff McKinney.

4. These statements were made in September or October, 1983.

5. The actions referred by plaintiff McKinney included the efforts

to permit unaffiliated voters, large numbers of whom have been the key to Weicker's major successes in the polls, to participate in Republican nominating procedures as stated in the paragraph that immediately follows the enclosed remarks.

DEFENDANT

BY: JOSEPH I. LIEBERMAN
ATTORNEY GENERAL

/s/
DANIEL R. SCHAEFER
Assistant Attorney General
P. O. Box 120
Hartford, CT 06106
Tel: 566-4990

(Certificate of Service and Note on Delivery omitted in printing)

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

COMPLETE EXCERPTS FROM THE HARTFORD COURANT, JANUARY 18, 1982, WHICH WERE MARKED BY ENCLOSURES AND REFERRED TO IN PARAGRAPH 1 OF THE PRECEDING REQUEST FOR ADMISSIONS DATED JULY 17, 1984.

* * * *

"It wouldn't take more than 10,000 to 15,000 committed people coming into the party to neutralize the situation," Weicker said in a recent interview. "We're already on our way."

The "situation" Weicker referred to is the entry into the Senate race of Prescott S. Bush Jr., who plans to announce his candidacy for the GOP Senate nomination today.

* * * *

Weicker also says that, without some drastic restructuring of the state GOP - and an influx of non-Republican voters who like Weicker - Bush, a Greenwich insurance broker, could win the primary.

"If the party is left as it is now, we have a 50-50 shot" at winning a primary against Bush, Weicker predicted Tuesday. "But it isn't going to stay the way it is now."

* * * *

COMPLETE EXCERPTS FROM THE BRIDGEPORT POST ON OR ABOUT OCTOBER 2, 1983, WHICH WERE MARKED BY ENCLOSURES AND REFERRED TO IN THE PRECEDING REQUEST FOR ADMISSIONS DATED JULY 17, 1984, PARAGRAPH 3.

* * * *

"I think that's what Lowell has in mind...all signs point toward his preparing to run for governor," said 4th District Congressman Stewart B. McKinney, a veteran House Republican and longtime Weicker watcher.

Responding to questions in a private interview, McKinney said he is convinced that Weicker isn't merely mulling the idea of a gubernatorial bid in 1986, but is using his position as titular head of

the Republican Party to pave the way for a strong gubernatorial run. "I think he's getting tired of the Senate and of Washington and is thinking about the possibility of coming home...the idea has a certain amount of appeal," McKinney said, in interpreting some recent political moves undertaken by Weicker and Co.

* * * *

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

(Title omitted in printing)

JULY 18, 1984

PLAINTIFF'S RESPONSES TO
DEFENDANT'S REQUEST FOR ADMISSIONS

The plaintiffs, through counsel, pursuant to Rule 36 of the Federal Rules of Civil Procedure, hereby respond to defendant's Request for Admissions as follows:

1. Admit that Senator Weicker did make the statements attributed to him in the January 18, 1982 article from the Hartford Courant.

2. Admit that these statements were made by Senator Weicker in January 1982.

3. Admit that Congressman McKinney did offer the opinions contained in the October 2, 1983 column from the Bridgeport Post.

4. Admit that these statements were made by Congressman McKinney in approximately September or October, 1983.

5. Admit that the opinion offered by Congressman McKinney was based, in

part, on the plaintiffs' attempt to include unaffiliated voters in Republican Party primaries.

THE PLAINTIFFS

BY /s/

STANLEY A. TWARDY, JR.
SILVER, GOLUB & SANDAK
P.O. BOX 389
STAMFORD, CT 06904
(203) 325-4491

RALPH G. ELLIOT
TYLER, COOPER & ALCORN
ONE AMERICAN ROW
HARTFORD, CT 06103
(203) 522-1216

(Certificate of Service omitted in printing)

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF CONNECTICUT

(Title omitted in printing)

JULY 24, 1984

MOTION TO DISMISS COMPLAINT

The defendant respectfully moves the court, pursuant to Rule 12(b), Federal Rules of Civil Procedure, as follows:

1. To dismiss the complaint because it fails to state a claim upon which relief can be granted.

2. To dismiss the complaint because the plaintiffs' "rule" violates Article I, S 2, Clause 1 of the Constitution of the United States in that

voters for Members of the United States House of Representatives in Republican primaries would lack the qualifications requisite for electors of the most numerous branch of the State legislature in those primaries.

3. To dismiss the complaint because the plaintiffs' "rule" violates the Seventeenth Amendment of the Constitution of the United States in that voters for United States Senator in Republican primaries would also lack the qualifications requisite for electors of the most numerous branch of the State legislature in those primaries.

4. To dismiss the complaint because the plaintiffs' "rule" violates Article I, § 4, Clause 1 of the Constitution of the United States in that the power to prescribe the manner of holding elections for the United States Senators and members of the House of Representatives is vested in the State Legislature, subject to Congressional alteration, and not in a political convention.

5. To dismiss the complaint because the plaintiffs' "rule" violates the Reserved Powers clause of the Tenth Amendment of the Constitution of the United States and contravenes the broad

discretion that states have in formulating election policies and in determining the qualifications for voters for state as well as federal offices, except as specifically limited by the Constitution.

6. To dismiss the complaint because the plaintiffs' "rule" would undermine the state's legitimate interest in protecting the overall integrity of the electoral process, including preserving responsible government by preserving party responsibility.

7. To dismiss the complaint for all other reasons set forth in the defendant's memoranda previously filed in support of the motion to dismiss.

WHEREFORE, defendant respectfully moves that the complaint be dismissed.

DEFENDANT

BY: JOSEPH I. LIEBERMAN
ATTORNEY GENERAL

/s/
ELLIOT F. GERSON
Deputy Attorney
General

/s/
DANIEL R. SCHAEFER
Assistant Attorney
General

/s/
HENRY S. COHN
Assistant Attorney
General
P. O. Box 120
Hartford, CT 06106
Tel: 566-4990

(Certificate of Serivce omitted in printing)

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

(Title omitted in printing)

JULY 25, 1984

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

The plaintiffs, through counsel, pursuant to Rule 56(a) of the Federal Rules of Civil Procedure, move the Court to enter summary judgment for the plaintiffs declaring Section 9-431 of the Connecticut General Statutes unconstitutional as violative of plaintiffs first and fourteenth amendment right of freedom of political association.

In support of this Motion, plaintiffs rely on paragraphs 1 through 10, 12 through 33, 35, 54 and 55 of the Joint Statement of Facts filed with this Court on June 6, 1984, the Affidavit of Thomas J. D'Amore previously filed with this Court, paragraphs 10a, 11 and 11a of the Supplemental Joint Statement of Facts filed with this Court on July 24, 1984 and Exhibits A through F and O through S of the Joint Submission of Documents previously filed with this Court.

In further support of this Motion, plaintiffs rely on their Memorandum in Support of Plaintiffs' Motion for Preliminary Injunction, Memorandum in

Support of Plaintiffs' Motion for Summary Judgment, Memorandum in Opposition to Defendant's Motion to Dismiss and in Further Support of Plaintiffs' Motion for Summary Judgment and Plaintiffs' Memorandum in Reply to Defendant's Supplemental Brief, previously filed with this Court.

THE PLAINTIFFS

BY /s/
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UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

(Title omitted in printing)

JULY 25, 1984

STATEMENT OF MATERIAL FACTS AS TO WHICH THERE ARE NO GENUINE ISSUES TO BE TRIED

The plaintiffs, through counsel, pursuant to Rule 9(c) of the Local Rules of Civil Procedure for the United States District Court for the District of Connecticut, hereby submit that there are no genuine issues to be tried concerning the following material facts:

1. As of October, 1983, there are 659,268 registered Democrats, 532,723 registered but unaffiliated voters and

425,695 registered Republican voters in Connecticut.

2. The plaintiff Republican Party of the State of Connecticut ("Republican Party") is a major political party within the meaning of Sections 9-372 et seq. of the Connecticut General Statutes.

3. The Republican Party is an association of individuals for the common advancement of political beliefs and ideas and for the election of its candidates to public office.

4. The Preamble to the Convention and Committee Rules of the Republican Party of the State of Connecticut provides that:

> Among the goals of the Republican Party of Connecticut are to seek out, designate, and secure the election of, qualified candidates for public office at the Federal, State and Local Levels of government ....
>
> In its stance as a statewide political organization, dedicated to governmental improvement on all levels, the Republican Party of Connecticut encourages fullest voter participation in its activities ....

5. The plaintiff Lowell P. Weicker, Jr. ("Weicker") is a registered voter in the State of Connecticut and is enrolled as a member of the plaintiff Republican Party. He is a United States Senator from the State of Connecticut.

6. The plaintiff Stewart B. McKinney ("McKinney") is a registered voter in the State of Connecticut and is enrolled as a member of the plaintiff Republican Party. He is a United States Representative from the State of Connecticut and has obtained the party endorsement by the Republican Party Fourth Congressional District Convention for re-election to the office of United States Representative in November, 1984.

7. The plaintiff Nancy L. Johnson ("Johnson") is a registered voter in the State of Connecticut and is enrolled as a member of the plaintiff Republican Party. She is a United States Representative

from the State of Connecticut and has obtained the party endorsement by the Republican Party Sixth Congressional District Convention for re-election to the office of United States Representative in November, 1984.

8. The plaintiff Thomas J. D'Amore, Jr. ("D'Amore") is a registered voter in the State of Connecticut and is enrolled as a member of the plaintiff Republican Party. He is the Chairman of the Republican State Central Committee, the body designated by the Party to, inter alia, implement the Party rules.

9. The defendant Julia H. Tashjian ("Secretary of the State") is the

Secretary of the State of the State of Connecticut. Pursuant to Sections 9-3 and 9-4 of the Connecticut General Statutes, she is the Commissioner of Elections of the State of Connecticut and, pursuant to statute, is charged with certain duties pertaining to elections and primaries in the State of Connecticut, including, inter alia, the administration of Section 9-431 of the Connecticut General Statutes.

10. Pursuant to a resolution passed by the members present at the August 23, 1983 meeting of the Republican Party's State Central Committee, a subcommittee was established to study and recommend

changes in the party's rules to improve the party's chances of winning general elections and to improve the two party system.

11. The resolution passed by the State Central Committee at the August 23, 1983 meeting provided as follows:

> Be it resolved that the Republican State Central Committee empower Chairman Thomas J. D'Amore with the ability to appoint a fifteen (15) member by-laws revision committee consisting of representatives of the Republican State Central Committee, representatives from various town committees, and representatives from the category of elected officials, both past and present.
>
> Such committee to be chaired by an appointment of Chairman D'Amore from the membership of said committee.

The committee will convene as quickly as possible upon the call of its' chairman to deliberate the amending of the by-laws of the Connecticut Republican State Committee to allow unaffiliated voters the right to participate in Republican Party activities, such as primaries, to allow for a revision of our present convention system structure, and any other by-laws revisions deemed necessary. Said revisions would then be acted upon at a special state convention called for that express purpose.

Said committee shall report back to Chairman D'Amore with its' findings and recommendations so that a report can be made to the State Central Committee meeting of September 1983.

12. The subcommittee appointed by Chairman D'Amore pursuant to the State

Central Committee resolution met three times in September 1983.

By a vote of 11 in favor to one against, the subcommittee approved the following resolution:

> RESOLVED: that it is the recommendation of the [subcommittee] that the State Central Committee instruct the Republican State Chairman to call a convention of the Republican Party in accordance with applicable provisions of the party rules and the Connecticut General Statutes to provide for the revision of the party rules to permit unaffiliated voters to vote in Republican primaries; and that the State Central Committee explore such other changes in the law, or action through the courts, as the State Central Committee shall deem appropriate to accomplish this purpose.

In addition, by a vote of 12 in favor to one against, the subcommittee approved the following resolution:

> RESOLVED: that it is the recommendation of the [subcommittee] that the State Central Committee instruct the Republican State Chairman to call a convention of the Republican Party in accordance with applicable provisions of the party rules and the Connecticut General Statutes to consider the selection of Republican candidates for office by direct primary instead of convention; and to explore other such changes in the law, or action through the courts as the State Central Committee shall authorize to accomplish this purpose.

13. The Republican State Central Committee, at its September 29, 1983

meeting, by a vote of 52 in favor and 7 against, approved a motion providing that it:

> receive [the] report of the [subcommittee], with thanks, and that [it] request the State Chairman to call a State Convention before February 15, 1984 for the purpose of considering the recommended changes to the by-laws, plus any other changes that may be deemed necessary.

14. Based upon the recommendations of this subcommittee, and in accordance with Section 9-384 of the Connecticut General Statutes and applicable party rules and resolutions, Republican Party Chairman D'Amore called and noticed a state party convention to consider, inter

alia, "proposed changes [in party rules] to allow unaffiliated voters to vote in Republican candidate selection primaries."

15. On January 14, 1984, at a duly called, noticed and conducted state party convention, the Republican Party approved an amendment (the "Rule") to its party rules to allow unaffiliated voters to associate, participate and join with enrolled Republicans in voting in Republican Party primaries for candidates for the offices of United States Senator, United States Representative, Governor and the gubernatorial underticket. Specifically, the Rule, entitled "Article IVa PRIMARIES", provides as follows:

> Any elector enrolled as a member of the Republican Party and any elector not enrolled as a member of a party shall be eligible to vote in primaries for nomination of candidates for the offices of United States Senator, United States Representative, Governor, Lieutenant Governor, Secretary of the State, Attorney General, Comptroller and Treasurer.

16. The Convention was called pursuant to Section 9-384 of the Connecticut General Statutes and in accordance with the opinion of the defendant's office dated August 23, 1983. That opinion was in response to a letter on behalf of the plaintiff Republican Party to the defendant dated August 17, 1983.

17. In accordance with Section 9-374 of the Connecticut General Statutes, a copy of the Rule approved and adopted by the Republican Party at the state convention, together with a copy of the complete party rules incorporating such Rule, was filed with the Office of the Secretary of the State of the State of Connecticut on January 23, 1984.

18. Section 9-431 of the Connecticut General Statutes provides, in relevant part, that:

> No person shall be permitted to vote at a primary of a party unless he is on the last-completed enrolment list of such party in the municipality or voting district, as the case may be ....

19. Because Section 9-431 of the Connecticut General Statutes prohibits the plaintiff Republican Party from implementing its Rule to allow unaffiliated voters to participate in primaries in accordance with the party Rule, Republican legislators attempted to have the statute amended during the 1984 session of the Connecticut General Assembly.

20. In February, 1984, proposed legislation was introduced by State Representative Mae Schmidle in the Connecticut General Assembly which whould have enabled the Republican Party to implement its Rule. Specifically, this

legislation, which was assigned Raised Committee Bill No. 5525 and referred to the Committee on Government Administration and Elections, would have amended Section 9-431 of the Connecticut General Statutes by providing, in relevant part, that:

> EXCEPT WHERE PROVIDED OTHERWISE BY STATE PARTY RULES, no person shall be permitted to vote at a primary of a party unless he is on the last-completed enrolment list of such party in the municipality or voting district, as the case may be ....

21. On March 7, 1984 the Committee on Governmental Administration and Elections voted 13 to 8 against Raised Committee Bill No. 5525, thereby

rejecting the proposed legislation. The Committee further voted 12 to 9 against reporting the Bill out of Committee with an unfavorable report, thereby preventing the proposed legislation from being considered by the entire General Assembly. Thereafter, on March 15, 1984, the Committee voted to reconsider its earlier vote on the Bill and voted to send the Bill to the House of Representatives with an unfavorable report, thereby indicating to the members of the House that the Committee was opposed to the Bill, but allowing the Bill to be considered by the members of the House. However, the Bill never came

before either House of the General Assembly for a vote.

22. Albert P. Lenge, Director/Elections Attorney in the Office of the Secretary of the State of the State of Connecticut, testified at a hearing held by the Committee on Governmental Administration and Elections on February 28, 1984 concerning the issue of implementation of the provisions of the Schmidle Bill, Raised Committee Bill No. 5525. In said testimony, he indicated that the Bill was "workable" and thus was capable of being implemented.

23. On April 11, 1984, the Connecticut House of Representatives defeated two amendments to House Bill No. 5105, "An Act Concering the Time Limit for Enrollment of Unaffiliated Voters", each of which provided in pertinent part that:

> Where state party rules so provide, an elector whose name does not appear on any enrolment list shall be entitled to vote in a primary conducted by such party for nomination for election to the office of governor, lieutenant governor, secretary of the state, treasurer, comptroller, attorney general, senator or representative in Congress or state senator or state representative.

One Amendment, which was assigned letter

"B", was defeated by a vote of 92 to 54, with 83 Democrats voting against the Bill and none in favor, and 9 Republicans voting against the Bill and 54 in favor. The second amendment, which was assigned letter "F", was defeated by a vote of 93 to 54, with 85 Democrats voting against the Bill and none in favor, and 8 Republicans voting against the Bill and 54 in favor.

24. At the time of the vote, there were 87 Democrats and 64 Republicans in the Connecticut House of Representatives.

25. On April 19, 1984, the Connecticut Senate voted 23 to 13 against Senate Amendment Schedule "A" to

Substitute House Bill No. 5105, "An Act Concerning the Time Limit for Enrollment of Unaffiliated Voters", which incorporated the provisions of the Schmidle Bill, Raised Committee Bill No. 5525, thereby defeating the proposal to allow the Republican Party to implement its Rule. Twenty-three Democrats voted against the Amendment and none voted in favor. No Republicans voted against the Amendment and thirteen voted in favor.

26. At the time of the vote, there were 23 Democrats and 13 Republicans in the Connecticut Senate.

27. The Republican Party and Democratic Party of Connecticut are the

only "major" political parties, as defined in Section 9-372(5) of the Connecticut General Statutes, in Connecticut.

28. Neither House of the Connecticut General Assembly voted on any other legislation which would have enabled the Republican Party to implement its Rule during the remainder of the 1984 session of the General Assembly, which adjourned on May 9, 1984.

29. Plaintiffs Stewart B. McKinney and Nancy L. Johnson are registered members of the Republican Party and are United States Representatives from the State of Connecticut. Both Congressman

McKinney and Congresswoman Johnson will seek reelection at the November 1984 general election and have obtained the endorsement of their respective Republican Party Congressional District Conventions for renomination to their offices.

30. Although the Republican Party Rule would allow the participation of unaffiliated voters in a primary for United States Representative, Section 9-431 of the Connecticut General Statutes would not.

31. Section 9-431 would prevent Congressman McKinney and/or Congresswoman Johnson from seeking nomination in

primaries in which unaffiliated voters may vote pursuant to the Republican Party Rule.

32. The defendant Secretary of the State has administered the provisions of Section 9-431 of the Connecticut General Statutes in the past and will continue to do so in the future.

33. Connecticut Public Act 84-118 has been signed by the Governor and becomes effective on January 1, 1985. It provides that party enrollment may occur up until the day before a primary.

34. To become affiliated with a political party, an unaffiliated voter

need only sign an application for enrollment form and present it to the local Registrar of Voters.

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UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF CONNECTICUT

(Title omitted in printing)

AUGUST 16, 1984

OBJECTION TO MOTION FOR SUMMARY JUDGMENT

A. The defendant objects to plaintiffs' motion for summary judgment dated July 25, 1984, on the grounds that plaintiffs are not entitled to judgment as a matter of law as required by Rule 56(c), Federal Rules of Civil Procedure, for the following reasons:

1. The complaint fails to state a claim upon which relief can be granted.

2. Plaintiffs' "rule" violates Article I, § 2, Clause 1 of the

Constitution of the United States in that voters for Members of the United States House of Representatives in Republican primaries would lack the qualifications requisite for electors of the most numerous branch of the State legislature in those primaries.

3. Plaintiffs' "rule" violates the Seventeenth Amendment of the Constitution of the United States in that voters for United States Senator in Republican primaries would also lack the qualifications requisite for electors of the most numerous branch of the State legislature in those primaries.

4. Plaintiffs' "rule" violates Article I, § 4, Clause 1 of the Constitution of the United States in that the power to prescribe the manner of holding elections for United States Senators and members of the House of Representatives is vested in the State Legislature, subject to Congressional alteration, and not in a political convention.

5. Plaintiffs' "rule" violates the Reserved Powers clause of the Tenth Amendment of the Constitution of the United States and contravenes the broad discretion that states have in formulating election policies and in

determining the qualifications for voters for state as well as federal offices, except as specifically limited by the Constitution.

6. Plaintiffs' "rule" would undermine the state's legitimate interest in protecting the overall integrity of the electoral process, including preserving responsible government by preserving party responsibility.

7. The complaint is legally insufficient for all other reasons set forth in the memoranda in support of the motion to dismiss previously filed.

B. Defendant further objects to the motion for summary judgment on the

grounds that plaintiffs' "Statement of material facts as to which there are no general issues to be tried," dated July 25, 1984, is incomplete and otherwise does not reflect fairly the Joint Statement of Facts previously filed on the following grounds:

1. Plaintiffs' Statement of Material Facts omits paragraphs 36 through 53 and 56 through 57 of the Joint Statement of Facts previously filed.

2. Paragraph 13 of plaintiffs' statement of material facts does not indicate that the member of the State Central Committee making the decision had originally utilized the word "accept"

instead of "receive". However, he voluntarily modified his original motion after discussion so that the motion, as approved, provided as stated in paragraph 13. Supplemental Joint Statement of Facts dated July 24, 1984, 11a.

3. The statement of Albert P. Lenge, Elections Attorney, Office of the Secretary of the State, is quoted out of context in paragraph 22 of plaintiffs' statement of July 25, 1984. In his testimony, included in the Joint Submission of Documents dated June 5, 1984, Exhibit P, he suggested that there be additional language authorizing the Secretary to promulgate regulations to

implement the section involved. He further stated that regulations should provide for a list of unaffiliated voters to be checked off at the polls and provisions to insure that an unaffiliated voter would not vote in the other party's primary. He also stated the clerks should be required to print two versions of the absentee ballot for party members or unaffiliated electors. In addition, he stated that two machines would be required with different ballot strips depending on who was entering the machine. Finally, the bill to which he referred to, H.B. 5525, is not the same as plaintiffs' "rule" in that the letter

would apply only to one party and even then only to some, not all candidates, thus necessitating different procedures for different offices within plaintiffs' party.

C. Defendants further object to consideration of the affidavit of Thomas D'Amore Jr. on the grounds that it is superseded by the Joint Statement of Facts and Joint Submission of Documents both dated June 5, 1984, and the Supplemental Joint Statement of Facts, dated July 24, 1984, as well as the fact that certain portions are not shown to be based upon personal knowledge as required by Rule 56(e), Federal Rules of Civil

Procedure, and are disputed by discovery materials.

However, in view of the fact that plaintiffs have withdrawn reliance upon that affidavit by their letter of August 10, 1984, no further objection is made.

DEFENDANT

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ATTORNEY GENERAL

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Deputy Attorney General

/s/
DANIEL R. SCHAEFER
Assistant Attorney General

/s/
HENRY S. COHN
Assistant Attorney General

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Notation Where Other Items .pecified in Rule 30.1, Rules of the United States Supreme Court, Appear

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The Appendix to the Jurisdictional Statement contains the following items:

Opinion of the United States Court of Appeals for the Second Circuit, August 8, 1985, at Vol. I, pp. 1-141;

Opinion of the United States District Court for the District of Connecticut, granting injunctive relief, at Vol. II, pp. 142-213;

Judgment of the U.S. Court of Appeals, at Vol. II, pp. 214-216;

Joint Statement of Facts in U.S. District Court, June 5, 1984, at Vol. II, pp. 243-273;

U.S. District Court Ruling On Motion To Dismiss And Motion For Summary Judgment, at Vol. II, pp. 274-280;

Supplemental Joint Statement of Facts in U.S. District Court, July 24, 1984, at Vol. II, pp. 281-287;

Answers (By Defendant) to Interrogatories, July 10, 1984, at Vol. II, pp. 288-298 (remaining questions and answers deleted);

* * * *

In addition to these items, relevant constitutional and statutory provisions are contained in Vol. II, pp. 222-238 of the Appendix to the Jurisdictional Statement.